REMARKS

With the addition of claims 11 to 14, claims 6 to 14 are now pending.

Applicant respectfully requests reconsideration of the present application in view of the following.

It is again respectfully requested that the Examiner acknowledge whether the drawings are accepted, and also acknowledge the foreign priority claim and the receipt of the certified copies of the priority documents (which were indicated in the March 19, 2002 "Notification of Missing Requirements" as having been submitted).

Claims 6 to 10 were rejected under 35 U.S.C. § 102(e) as anticipated by Drury et al., U.S. Published Patent Application No. 2004/0104842 ("Drury"). Claims 6 to 10 were rejected under 35 U.S.C. § 102(e) as anticipated by Knockeart et al., U.S. Published Patent Application No. 2004/0066330 ("Knockeart").

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102(e), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (See *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (See *Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

Claim 6 relates to a navigation method for use in an on-board vehicle navigation system. Claim 6 includes the features of "determining a route in the on-board vehicle navigation system in a vehicle" such that "only delta information representing required necessary deviations from a previously determined route for driving an alternative section of the route is transmitted from the control center to the vehicle navigation system."

Claim 9 relates to a vehicle navigation system for use in a vehicle. Claim 9 includes the features of "a determining arrangement to determine a route in the vehicle navigation system" and "a transmitting arrangement to transmit information from a control center to the vehicle navigation system for use in providing optimized route planning, wherein only delta information representing required necessary deviations from a previously determined route for driving an alternative section of the route is transmitted from the control center to the vehicle navigation system."

As to the rejections of claims 6 and 9, neither Drury nor Knockeart in any way identically discloses (or even suggests) that "**only delta information** representing required necessary deviations from a previously determined route for driving an alternative section of the route is transmitted from the control center to the vehicle navigation system," as recited in claims 6 and 9. Drury, by contrast, refers to transmitting non-delta information from a control center to an in-vehicle system. In particular, paragraphs 162 and 163 of Drury state that the server system determines a route and a spot map, which are sent to the vehicle system that performs a guidance along the planned route. However, if an off-route condition occurs, the in-vehicle system calculates a best route that leads to one of the way points along the previously planned route. (See Drury, page 12, paragraphs 177 and 178). Hence, the in-vehicle system alone performs the route guidance along the new planned route. Indeed, there is no suggestion at all by Drury that the in-vehicle system receives delta information, or any other information, from the control center to guide the car back to the planned route. Drury merely states that if there is an off route condition, the in-vehicle system alone finds a way to guide the car back to the previously planned route.

Likewise, Knockeart also states that after an off-board condition occurs, the in-vehicle system plans a corrected route indicated by the dashed line 1012. (See Knockeart, page 11, ¶ 163 and Fig. 10). Here, Knockeart suggests that planning a new route does not require any further communication with a server. (See Knockeart, page 11, ¶ 163). Instead, Knockeart states that planning the new route involves determining the location of the vehicle and accessing a map database stored in the vehicle. (See Knockeart, page 2, ¶ 24). Moreover, in paragraph 194 on page 13, Knockeart states that the in-vehicle system computes the deviation in latitude and longitude of the maneuver point; and in paragraph 197 and following paragraphs, Knockeart states that the in-vehicle system determines a new route. Thus, paragraph 209 of Knockeart does not relate to transmitting delta information as asserted by the Office Action, but rather merely to transmitting a destination point. Accordingly, there is no suggestion by Knockeart to use the server system to plan a deviation route to transmit only delta information. Moreover, in contrast to the assertions by the Office Action, paragraph 411 of Knockeart refers to a system, in which the on-board system lacks a route determining capability and in which the in-vehicle system contacts the server to replan the route, but since there is no autonomous route planning in the vehicle, only the entire route can be replanned

and transmitted to the vehicle. Thus, in such a system which lacks autonomous route planning in the vehicle, it is not possible for only a part of the route to be replanned and transmitted to the in-vehicle system. In this regard, any detour capability discussed in paragraph 412, which was cited by the Office Action, only relates to an in-vehicle system which can plan a detour on its own.

Thus, neither Drury nor Knockeart identically discloses (or even suggests) transmitting delta information, as provided for in the context of claims 6 and 9. By contrast, the claimed subject matter provides for encapsulating differences from a previously determined route using a relatively small amount of data, such as can easily be provided by wireless connectivity between the vehicle and the control center during most operating conditions.

It is therefore submitted that both claims 6 and 9 are allowable over these references.

Claim 7 depends on claim 6, and is therefore allowable at least for the same reasons presented in connection with claim 6.

Claim 8 includes the feature of "distributing the motor vehicle traffic flow among a plurality of detour segments in a controlled manner when there is a traffic problem and a plurality of feasible detour routes are available." Claim 10 includes the feature of "distributing the motor vehicle traffic flow among a plurality of detour segments in a controlled manner when there is a traffic problem and a plurality of feasible detour routes are available."

As to the rejections of claims 8 and 10, contrary to the assertions in the Office Action, neither Drury nor Knockeart in any way identically discloses (or even suggests) distributing the motor vehicle traffic flow among a plurality of detour segments when there is a traffic problem and a plurality of feasible detour routes are available. The cited section of the Drury reference (prghs. 179 and 180) merely indicates that traffic related data may be collected by a plurality of vehicles. Through this process, Drury suggests only that traffic information may be collated over time in order to assign "average speeds" for certain sections of a route, which then may be used in an optimization algorithm. (See Drury, page 18, prghs. 304 to 307.) Likewise, Knockeart also merely refers to collating a traffic information database and determines average speeds for certain sections of a route (links). It is therefore submitted that the operations referred to in the Drury and Knockeart references refer to obtaining historical

data to determine the average amount of traffic on certain route segments, whereas the claimed subject matter is directed to actively distributing motor vehicle traffic flow among a plurality of detour segments in a controlled manner when there is a traffic problem, i.e., based on a real time traffic condition, which may be different from the average traffic at that segment, as determined over time. Indeed, paragraphs 177 to 180 of Drury refer to ***one*** in-vehicle navigation system that guides the car back to the original road, so there is no hint or suggestion that the central service station controls a plurality of cars such that the traffic flow is distributed on the plurality of detour routes.

It is therefore submitted that both claims 8 and 10 are allowable over the applied references.

Claims 11 to 14 do not add any new matter and are supported by the present application, including the specification. Claims 11 and 12 depend directly or indirectly from claim 6, and are therefore allowable for at least the same reasons presented in connection with claim 6. Claims 13 and 14 depend directly or indirectly from claim 9, and are therefore allowable for at least the same reasons presented in connection with claim 9.

In summary, it is respectfully submitted that claims 6 to 14 are allowable.

CONCLUSION

In view of the foregoing, it is believed that the rejections have been obviated, and that claims 6 to 14 are allowable. It is therefore respectfully requested that the rejections be withdrawn, and that the present application issue as early as possible.

Respectfully submitted,

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